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5 Attorneys for Defendants Déjà Vu Services, Inc., Harry  
6 Mohny, Grapevine Entertainment, Inc. d/b/a Déjà Vu  
Showgirls; Nite Life East, LLC d/b/a Little Darlings; SP  
7 Star Enterprise, Inc. d/b/a Déjà Vu; Coldwater, LLC  
d/b/a Deja Vu Showgirls; 3610 Barnett Ave., LLC d/b/a  
8 Adult Superstore; Jolar Cinema of San Diego, Ltd. d/b/a  
Jolar Cinema Showgirls; Showgirls of San Diego, Inc.  
9 d/b/a Deja Vu Showgirls; Bijou – Century, LLC d/b/a  
New Century Theatre; BT California, LLC d/b/a The  
10 Penthouse Club & Steakhouse; Chowderhouse, Inc.,  
d/b/a Hungry I; Deja Vu – San Francisco, LLC d/b/a  
11 Centerfolds; Deja Vu Showgirls of San Francisco, LLC  
d/b/a Little Darlings of San Francisco; Gold Club –  
12 S.F., LLC d/b/a Gold Club; S.A.W. Entertainment, Ltd.,  
d/b/a Hustler San Francisco and the Condor Club; San  
13 Francisco Garden of Eden, LLC d/b/a Garden of Eden;  
San Francisco Roaring 20's, LLC d/b/a Roaring 20's;  
14 and Stockton Enterprises, LLC d/b/a Deja Vu  
Showgirls; and SFBSC Management, LLC

15 **UNITED STATES DISTRICT COURT**  
16 **SOUTHERN DISTRICT OF CALIFORNIA**

17  
18 JANE ROES 1-4,  
19 Plaintiffs, and  
20 ELANA PERA, PENNY NUNEZ,  
21 SARAH MURPHY, POOHRAWN  
22 MEHRABAN, NICOLE HUGHES,  
ANGELYNN HERMES, GYPSY  
23 VIDAL, AND RASHELE HAMREN,  
24 Plaintiff- Intervenors,  
25  
26 v.  
DEJA VU SERVICES, INC,  
27  
28 Defendants.

Case No. **'19CV0196 JM KSC**

(San Diego Superior Court Case No:  
37-2018-28044-CU-OE-CTL)

**NOTICE OF REMOVAL OF  
ACTION TO FEDERAL COURT  
PURSUANT TO 28 U.S.C. SECTION  
1331 (FEDERAL QUESTION)**

Assigned to:

1 TO THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN  
2 DISTRICT OF CALIFORNIA AND TO THE PLAINTIFFS, PLAINTIFFS-  
3 INTERVENORS, AND THEIR COUNSEL OF RECORD:

4 PLEASE TAKE NOTICE that Defendants S.A.W Entertainment, Ltd. d/b/a  
5 Larry Flynt's Hustler Club, S.A.W. Entertainment, Ltd. d/b/a Condor Gentlemen's  
6 Club, Gold Club-S.F., LLC d/b/a Gold Club San Francisco, and Defendant SFBSC  
7 Management, LLC ("Removing Defendants") by and through their attorneys of  
8 record hereby remove to this Court the state court action described herein from the  
9 Superior Court of the State of California in and for the County of San Diego, to the  
10 United States District Court for the Southern District of California on the basis of  
11 federal question jurisdiction pursuant to 28 U.S.C. §§ 1331, 1441(a), 1367(a), and  
12 1446(b) as follows:

13 **COMPLAINT AND TIMELINESS OF REMOVAL**

14 1. This Notice of Removal is timely. Roes 1-4 filed their Class and Collective  
15 Action Complaint for Violation of the Fair Labor Standards Act, 29 USC §201 et.  
16 seq., and related state law claims, on May 31, 2018, alleging wage and hour  
17 violations under both state and federal law. The Complaint was served on the  
18 following Defendants who appeared in the action by way of a Motion to Compel  
19 Arbitration that was filed on October 18, 2018: Déjà Vu Services, Inc., Harry  
20 Mohny, Grapevine Entertainment, Inc. d/b/a Déjà Vu Showgirls; Nite Life East,  
21 LLC d/b/a Little Darlings; SP Star Enterprise, Inc. d/b/a Déjà Vu; Coldwater, LLC  
22 d/b/a Deja Vu Showgirls; 3610 Barnett Ave., LLC d/b/a Adult Superstore; Jolar  
23 Cinema of San Diego, Ltd. d/b/a Jolar Cinema Showgirls; Showgirls of San Diego,  
24 Inc. d/b/a Deja Vu Showgirls; Bijou – Century, LLC d/b/a New Century Theatre;  
25 BT California, LLC d/b/a The Penthouse Club & Steakhouse; Chowderhouse, Inc.,  
26 d/b/a Hungry I; Deja Vu – San Francisco, LLC d/b/a Centerfolds; Deja Vu  
27 Showgirls of San Francisco, LLC d/b/a Little Darlings of San Francisco; Gold  
28 Club – S.F., LLC d/b/a Gold Club; S.A.W. Entertainment, Ltd., d/b/a Hustler San

1 Francisco and the Condor Club; San Francisco Garden of Eden, LLC d/b/a Garden  
2 of Eden; San Francisco Roaring 20's, LLC d/b/a Roaring 20's; Stockton  
3 Enterprises, LLC d/b/a Deja Vu Showgirls.<sup>1</sup>

4 2. On December 27, 2018 Honorable Timothy Taylor of the San Diego  
5 Superior Court granted a Motion for Leave to Intervene filed by Elana Pera, Penny  
6 Nunez, Sarah Murphy, Poohrawn Mehraban, Nicole Hughes, Angelynn Hermes,  
7 and Gypsy Vidal (collectively "Plaintiff-Intervenors"). The Order granting the  
8 Motion for Leave to Intervene deemed the Complaint in Intervention filed and  
9 served on December 27, 2018. The Complaint in Intervention similarly alleges  
10 wage and hour violations under both state and federal law, including claims under  
11 the Fair Labor Standards Act, 29 USC §201 et. seq.

12 3. Defendant SFBSC Management, LLC ("SFBSC") was not named as a  
13 Defendant in the Complaint filed by Roes 1 through 4. The Complaint in  
14 Intervention was the first time that this Defendant was brought into the litigation.  
15 As of the date of this Notice, service of process has not been effectuated upon  
16 SFBSC.

17 4. Service of Process as to the additional three Defendants named in the  
18 Complaint in Intervention, S.A.W Entertainment, Ltd. d/b/a Larry Flynt's Hustler  
19 Club, S.A.W. Entertainment, Ltd. d/b/a Condor Gentlemen's Club, and Gold Club-  
20 S.F., LLC d/b/a Gold Club San Francisco, was deemed effective December 27,  
21 2018.

22 5. This notice of removal is timely because pursuant to 28 U.S.C. § 1441(b),  
23 Defendants, S.A.W Entertainment, Ltd. d/b/a Larry Flynt's Hustler Club, S.A.W.  
24 Entertainment, Ltd. d/b/a Condor Gentlemen's Club, Gold Club-S.F., LLC d/b/a  
25 Gold Club San Francisco, have until January 28, 2019 to file this notice.  
26 Additionally, as stated above, SFBSC has yet to be served with the Complaint in

27  
28 <sup>1</sup> While other Defendants were named in the complaint filed May 31, 2018, those  
Defendants have not been served.

1 Intervention.

2 **FEDERAL QUESTION JURISDICTION**

3 6. This Court has subject matter jurisdiction of this action under 28 U.S.C. §  
4 1331, and is one which may be removed to this Court by Removing Defendants  
5 pursuant to the provisions of 28 U.S.C. § 1441(a) in that it is a civil action  
6 containing a cause of action “arising under the Constitution, laws, or treaties of the  
7 United States.”

8 7. Plaintiff-Intervenors allege a cause of action under the federal Fair Labor  
9 Standards Act, pursuant to 29 USC §201 *et seq.*

10 8. Plaintiff-Intervenors allege that Defendants violated the Fair Labor  
11 Standards Act, “Plaintiffs-Intervenors and other dancers who worked for  
12 Defendants were employees of Defendants for purposes of the Fair Labor  
13 Standards Act. However, Defendants have failed to pay the dancers an hourly rate  
14 of at least the federal minimum wage of \$7.25 per hour. Defendants have thus  
15 violated the FLSA, 29 U.S.C. §206(a)(1)(C), and have done so willfully,  
16 intentionally, and in bad faith.” (Ex. 52, First Am. Compl. in Intervention ¶41; *see*  
17 *also* Ex. 47, Compl. in Intervention ¶40).

18 **JURISDICTION OVER STATE LAW CLAIMS**

19 9. Plaintiff-Intervenors’ other causes of action and bases for relief asserted in  
20 this action (Count I-Violation of Cal. Lab. Code §§1197 and 1194; Count III-  
21 Violation of Cal. Lab. Code §226(a); County IV-Violation of Cal. Bus. & Prof.  
22 Code §17200 *et. seq.*; County V-Violation of Cal. Lab. Code §2802; County VI-  
23 Violation of Cal. Lab. Code §351; Count VII-Penalties Pursuant to Private  
24 Attorney General Action of 2004, Cal. Lab. Code §§2698 *et. seq.*) arise out of the  
25 same set of facts and are part of the same case and controversy involving the  
26 alleged wage and hour violations. As such, this Court has supplemental  
27 jurisdiction of these causes of action within the meaning of 28 U.S.C. § 1367(a).

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	Action Settlement	
7.	Plaintiff's Memorandum of Points & Authorities in Support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement	10/11/18
8.	Declaration of Megan A. Bonanni in Support of Motion for Preliminary Approval of Class Action Settlement	10/11/18
9.	Declaration of Trenton R. Kashima in Support of Motion for Preliminary Approval of Class Action Settlement	10/11/18
10.	Notice of Motion and Motion to Compel Arbitration	10/18/18
11.	Defendant's Memorandum of Points and Authorities in Support of Motion to Compel Arbitration	10/18/18
12.	Declaration of Donald Krontz in Support of Defendants' Motion to Compel Arbitration	10/18/18
13.	Defendants' Notice of Errata	10/19/18
14.	Declaration of Tammara B. Bokmuller in Support of Defendants' Motion to Compel Arbitration	10/19/18
15.	Notice of Motion and Motion to Intervene	11/1/18
16.	Memorandum of Points and Authorities in Support of Motion for Leave to Intervene	11/1/18
17.	Opposition to Plaintiffs' Motion for Preliminary Approval and for Class Certification, and	11/1/18

	Incorporated Objection to Proposed Class Action Settlement	
18.	Declaration of Shannon Liss-Riordan in Support of Objection to Proposed Settlement and Motion for Leave to Intervene	11/1/18
19.	Supplemental Declaration of Shannon Liss-Riordan in Support of Motion for Leave to Intervene	11/2/18
20.	Minute Order dated 11/2/18	11/2/18
21.	Order Denying Plaintiffs' Motion Preliminary Approval of Class Action Settlement	11/5/18
22.	Plaintiffs' Points and Authorities in Opposition to Proposed Intervenor's Motion for Leave to Intervene	11/15/18
23.	Declaration of Trenton R. Kashima in Support of Plaintiffs' Points & Authorities in Opposition to Proposed Intervenor's Motion for Leave to Intervene	11/15/18
24.	Defendants' Opposition to Motion to Intervene	11/15/18
25.	Declaration of Gary Marlin in Support of Defendants' Opposition to Motion to Intervene	11/15/18
26.	Declaration of Richard Hinckley in Support of Defendants' Opposition to Motion to Intervene	11/15/18
27.	Declaration of Jean Claude Pomerleau in Support of Defendants' Opposition to Motion to Intervene	11/15/18

28.	Declaration of Nichole Turnwald in Support of Defendants' Opposition to Motion to Intervene	11/15/18
29.	Declaration of Kyriacos Kalfas in Support of Defendants' Opposition to Motion to Intervene	11/15/18
30.	Declaration of Tammara N. Bokmuller in Support of Defendants' Opposition to Motion to Intervene	11/15/18
31.	Declaration of Trenton R. Kashima in Support of Response Re: Opposition to Plaintiffs' Motion for Preliminary Approval and for Class Certification and Class Action Settlement	11/21/18
32.	Plaintiffs' Response re: Opposition to Plaintiffs' Motion for Preliminary Approval and for Class Certification and Class Action Settlement	11/21/18
33.	Defendants' Response to Opposition to Motion for Preliminary Approval	11/21/18
34.	Declaration of Donald Krontz in Support of Response to Opposition to Motion for Preliminary Approval	11/21/18
35.	Declaration of Tammara N. Bokmuller in Support of Response to Opposition to Motion for Preliminary Approval	11/21/18
36.	Declaration of Gary Marlin in Support of Response to Opposition to Motion for Preliminary Approval	11/21/18
37.	Declaration of Mark Cohen in Support of Response to Opposition to Motion for	11/21/18



	Preliminary Approval.	
38.	Declaration of Bradley Schafer in Support of Response to Opposition to Motion for Preliminary Approval	11/21/18
39.	Reply in Support of Motion for Leave to Intervene	11/21/18
40.	Verified Application of Megan A. Bonanni to Appear as Counsel Pro Hac Vice	11/29/18
41.	First Amended Class and Collective Action Complaint for Violation of the FLSA and State Law	11/30/18
42.	Minute Order dated 11/30/18	11/30/18
43.	Supplemental Brief in Support of Motion for Leave to Intervene	12/21/18
44.	Plaintiffs' Supplemental Brief in Support of Opposition to Proposed Intervenor's Motion for Leave to Intervene	12/21/18
45.	Defendants' Supplemental Brief in Support of Opposition to Motion to Intervene	12/21/18
46.	Minute Order dated 12/27/18	12/27/18
47.	Complaint in Intervention	12/27/18
48.	Plaintiffs' Opposition to Defendants' Motion to Compel Arbitration	1/7/19
49.	Defendants' Reply in Support of its Motion to Compel Arbitration	1/11/19

50.	Declaration of Tammara N. Bokmuller in Support of Defendants' Reply in Support of its Motion to Compel Arbitration	1/11/19
51.	Minute Order dated 1/18/19	1/18/19
52.	First Amended Complaint in Intervention	1/25/19

**WHEREFORE,** Removing Defendants respectfully request that the above-captioned action pending before the Superior Court of the State of California in and for the County of San Diego be removed to the United States District Court for the Southern District of California.

Dated: January 28, 2019

CLARK HILL LLP

By: /s/ Tammara N. Bokmuller

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Francisco, LLC d/b/a Little Darlings of San Francisco; Gold Club – S.F., LLC d/b/a Gold Club; S.A.W. Entertainment, Ltd., d/b/a Hustler San Francisco and the Condor Club; San Francisco Garden of Eden, LLC d/b/a Garden of Eden; San Francisco Roaring 20’s, LLC d/b/a Roaring 20’s; and Stockton Enterprises, LLC d/b/a Déja Vu Showgirls; and SFBSC Management, LLC